IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

And

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO : 689 of 1994

Between:

G.N.Muni Reddy S/o.Kulasekhara Reddy
Court Amin in District Court Cuddapah, R/o.Cuddapah
..... PETITIONER

and

1. The District Judge Cuddapah
2. T.Shankar Rao
   Reader, District Munsif Court, Rajampeta, Cuddapah
   District, now Rayachoti
3. K.Penchalaiah
   Junior Asst., M.M.Court Rajampeta, Cuddapah District
4. P.Ramachandra Raju
   Junior Asst. 2nd A.D.M.Court Proddatur, Cuddapah District
5. S.Arifuddin
   Junior Asst., M.M.Court Kamalapuram on deputation
   District Court, Cuddapah
6. S.Umar Hussain
   Junior Asst. 1st A.D.M.Court, Proddatur
   Cuddapah District
7. S.Hanumantha Reddy

Junior Asst. M.M.Court Rajampeta,
Cuddapah District

8. K.Krishnaiah
Junior Asst. M.M.Court, Rajampeta, Cuddapah District

9. The Registrar (Administration)
High Court of A.P., Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of certiorari calling for the records and quash the impugned orders Roc.No.4843/92 C Spl.C (con), Dt.21/12/1993 passed by the 9th respondent and declaring that the promotion of the respondents 2 to 8 as illegal and consequently direct the 1st respondent to promote the petitioner to the post of Junior Assistant from the post of Amin with effect from 01/12/1989 with all consequential benefits.

For the Petitioner : Not Present

For the Respondent Nos.1 and 9: Standing counsel for A.P. High Court

The Court Made the Following :

ORAL ORDER: (Per Hon'ble the Chief Justice)

The petitioner is questioning the promotion orders of respondents 2 to 8 as illegal and consequential directions are sought to the first respondent to promote him from the post of Amin with effect from 01-12-1989 with all consequential benefits. The writ petition was filed on 21st January, 1994. The promotions of respondents 2 to 8 took place from 1989 onwards till 1992. Questioning the same after a lapse of almost two years cannot be permitted to be done in writ jurisdiction and moreover, similar writ petition in W.P.No.11015 of 1988 filed by S.Mohammed Ali, the then Lower Division Clerk in the unit of the first respondent questioning the promotion of his juniors in preference to him was also dismissed.

Insofar as the petitioner's case is concerned, it is stated in the reply affidavit that though the petitioner was senior to respondents 2 to 8 in the category of Amin, sofar as the educational qualifications are concerned, the petitioner had passed only intermediate examination whereas the respondents 2 to 8 are graduates and law graduates and prior to 1988, the promotions to the

category of L.D.C. were from the post of Amin/Examiner/Copyist in accordance with seniority and by virtue of the Circular of the High Court of Andhra Pradesh dated 23-12-1987, in order to improve and maintain standard of efficiency and requirements of service, the candidates with degree qualification are preferred in ministerial posts. In view of this position in law, there is no merit in the writ petition.

The writ petition is accordingly dismissed. No costs.

DEVINDER GUPTA, C.J.

G.ROHINI, J

21-06-2004

tvr/bsc

To

1. The District Judge, Cuddapah.

2. The Registrar (Administration), High Court of A.P., Hyderabad.
3. 2 CCs to the Standing Counsel for the High Court, High Court buildings, Hyderabad.
4. 2 CD copies